
HOUSE BILL 2783

State of Washington 54th Legislature 1996 Regular Session

By Representatives Clements, Skinner, Silver, Thompson and Blanton

Read first time 01/19/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to including juvenile offenses in offender score
2 calculation; reenacting and amending RCW 9.94A.030 and 9.94A.360; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.94A.030 and 1995 c 268 s 2, 1995 c 108 s 1, and 1995
6 c 101 s 2 are each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Collect," or any derivative thereof, "collect and remit," or
10 "collect and deliver," when used with reference to the department of
11 corrections, means that the department is responsible for monitoring
12 and enforcing the offender's sentence with regard to the legal
13 financial obligation, receiving payment thereof from the offender, and,
14 consistent with current law, delivering daily the entire payment to the
15 superior court clerk without depositing it in a departmental account.

16 (2) "Commission" means the sentencing guidelines commission.

17 (3) "Community corrections officer" means an employee of the
18 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence
2 conditions.

3 (4) "Community custody" means that portion of an inmate's sentence
4 of confinement in lieu of earned early release time or imposed pursuant
5 to RCW 9.94A.120(6) served in the community subject to controls placed
6 on the inmate's movement and activities by the department of
7 corrections.

8 (5) "Community placement" means that period during which the
9 offender is subject to the conditions of community custody and/or
10 postrelease supervision, which begins either upon completion of the
11 term of confinement (postrelease supervision) or at such time as the
12 offender is transferred to community custody in lieu of earned early
13 release. Community placement may consist of entirely community
14 custody, entirely postrelease supervision, or a combination of the two.

15 (6) "Community service" means compulsory service, without
16 compensation, performed for the benefit of the community by the
17 offender.

18 (7) "Community supervision" means a period of time during which a
19 convicted offender is subject to crime-related prohibitions and other
20 sentence conditions imposed by a court pursuant to this chapter or RCW
21 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
22 may include crime-related prohibitions and other conditions imposed
23 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
24 for out-of-state supervision of parolees and probationers, RCW
25 9.95.270, community supervision is the functional equivalent of
26 probation and should be considered the same as probation by other
27 states.

28 (8) "Confinement" means total or partial confinement as defined in
29 this section.

30 (9) "Conviction" means an adjudication of guilt pursuant to Titles
31 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
32 acceptance of a plea of guilty.

33 (10) "Court-ordered legal financial obligation" means a sum of
34 money that is ordered by a superior court of the state of Washington
35 for legal financial obligations which may include restitution to the
36 victim, statutorily imposed crime victims' compensation fees as
37 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
38 drug funds, court-appointed attorneys' fees, and costs of defense,
39 fines, and any other financial obligation that is assessed to the

1 offender as a result of a felony conviction. Upon conviction for
2 vehicular assault while under the influence of intoxicating liquor or
3 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
4 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
5 legal financial obligations may also include payment to a public agency
6 of the expense of an emergency response to the incident resulting in
7 the conviction, subject to the provisions in RCW 38.52.430.

8 (11) "Crime-related prohibition" means an order of a court
9 prohibiting conduct that directly relates to the circumstances of the
10 crime for which the offender has been convicted, and shall not be
11 construed to mean orders directing an offender affirmatively to
12 participate in rehabilitative programs or to otherwise perform
13 affirmative conduct.

14 (12)((a)) "Criminal history" means the list of a defendant's
15 prior convictions, whether in this state, in federal court, or
16 elsewhere. The history shall include, where known, for each conviction
17 ((i)) (a) whether the defendant has been placed on probation and the
18 length and terms thereof; and ((ii)) (b) whether the defendant has
19 been incarcerated and the length of incarceration.

20 ((b) "Criminal history" shall always include juvenile convictions
21 for sex offenses and serious violent offenses and shall also include a
22 defendant's other prior convictions in juvenile court if: (i) The
23 conviction was for an offense which is a felony or a serious traffic
24 offense and is criminal history as defined in RCW 13.40.020(9); (ii)
25 the defendant was fifteen years of age or older at the time the offense
26 was committed; and (iii) with respect to prior juvenile class B and C
27 felonies or serious traffic offenses, the defendant was less than
28 twenty-three years of age at the time the offense for which he or she
29 is being sentenced was committed.))

30 (13) "Day fine" means a fine imposed by the sentencing judge that
31 equals the difference between the offender's net daily income and the
32 reasonable obligations that the offender has for the support of the
33 offender and any dependents.

34 (14) "Day reporting" means a program of enhanced supervision
35 designed to monitor the defendant's daily activities and compliance
36 with sentence conditions, and in which the defendant is required to
37 report daily to a specific location designated by the department or the
38 sentencing judge.

39 (15) "Department" means the department of corrections.

1 (16) "Determinate sentence" means a sentence that states with
2 exactitude the number of actual years, months, or days of total
3 confinement, of partial confinement, of community supervision, the
4 number of actual hours or days of community service work, or dollars or
5 terms of a legal financial obligation. The fact that an offender
6 through "earned early release" can reduce the actual period of
7 confinement shall not affect the classification of the sentence as a
8 determinate sentence.

9 (17) "Disposable earnings" means that part of the earnings of an
10 individual remaining after the deduction from those earnings of any
11 amount required by law to be withheld. For the purposes of this
12 definition, "earnings" means compensation paid or payable for personal
13 services, whether denominated as wages, salary, commission, bonuses, or
14 otherwise, and, notwithstanding any other provision of law making the
15 payments exempt from garnishment, attachment, or other process to
16 satisfy a court-ordered legal financial obligation, specifically
17 includes periodic payments pursuant to pension or retirement programs,
18 or insurance policies of any type, but does not include payments made
19 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
20 or Title 74 RCW.

21 (18) "Drug offense" means:

22 (a) Any felony violation of chapter 69.50 RCW except possession of
23 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
24 controlled substance (RCW 69.50.403);

25 (b) Any offense defined as a felony under federal law that relates
26 to the possession, manufacture, distribution, or transportation of a
27 controlled substance; or

28 (c) Any out-of-state conviction for an offense that under the laws
29 of this state would be a felony classified as a drug offense under (a)
30 of this subsection.

31 (19) "Escape" means:

32 (a) Escape in the first degree (RCW 9A.76.110), escape in the
33 second degree (RCW 9A.76.120), willful failure to return from furlough
34 (RCW 72.66.060), willful failure to return from work release (RCW
35 72.65.070), or willful failure to be available for supervision by the
36 department while in community custody (RCW 72.09.310); or

37 (b) Any federal or out-of-state conviction for an offense that
38 under the laws of this state would be a felony classified as an escape
39 under (a) of this subsection.

1 (20) "Felony traffic offense" means:

2 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
3 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
4 and-run injury-accident (RCW 46.52.020(4)); or

5 (b) Any federal or out-of-state conviction for an offense that
6 under the laws of this state would be a felony classified as a felony
7 traffic offense under (a) of this subsection.

8 (21) "Fines" means the requirement that the offender pay a specific
9 sum of money over a specific period of time to the court.

10 (22)~~((a))~~ "First-time offender" means any person who is convicted
11 of a felony ~~((i))~~ (a) not classified as a violent offense or a sex
12 offense under this chapter, or ~~((ii))~~ (b) that is not the
13 manufacture, delivery, or possession with intent to manufacture or
14 deliver a controlled substance classified in schedule I or II that is
15 a narcotic drug, nor the manufacture, delivery, or possession with
16 intent to deliver methamphetamine, its salts, isomers, and salts of its
17 isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit
18 of any controlled substance or counterfeit substance classified in
19 schedule I, RCW 69.50.204, except leaves and flowering tops of
20 marihuana, ~~((and except as provided in (b) of this subsection,))~~ who
21 previously has never been convicted of a felony in this state, federal
22 court, or another state, and who has never participated in a program of
23 deferred prosecution for a felony offense.

24 ~~((b) For purposes of (a) of this subsection, a juvenile
25 adjudication for an offense committed before the age of fifteen years
26 is not a previous felony conviction except for adjudications of sex
27 offenses and serious violent offenses.))~~

28 (23) "Most serious offense" means any of the following felonies or
29 a felony attempt to commit any of the following felonies, as now
30 existing or hereafter amended:

31 (a) Any felony defined under any law as a class A felony or
32 criminal solicitation of or criminal conspiracy to commit a class A
33 felony;

34 (b) Assault in the second degree;

35 (c) Assault of a child in the second degree;

36 (d) Child molestation in the second degree;

37 (e) Controlled substance homicide;

38 (f) Extortion in the first degree;

39 (g) Incest when committed against a child under age fourteen;

1 (h) Indecent liberties;
2 (i) Kidnapping in the second degree;
3 (j) Leading organized crime;
4 (k) Manslaughter in the first degree;
5 (l) Manslaughter in the second degree;
6 (m) Promoting prostitution in the first degree;
7 (n) Rape in the third degree;
8 (o) Robbery in the second degree;
9 (p) Sexual exploitation;
10 (q) Vehicular assault;
11 (r) Vehicular homicide, when proximately caused by the driving of
12 any vehicle by any person while under the influence of intoxicating
13 liquor or any drug as defined by RCW 46.61.502, or by the operation of
14 any vehicle in a reckless manner;
15 (s) Any other class B felony offense with a finding of sexual
16 motivation, as "sexual motivation" is defined under this section;
17 (t) Any other felony with a deadly weapon verdict under RCW
18 9.94A.125;
19 (u) Any felony offense in effect at any time prior to December 2,
20 1993, that is comparable to a most serious offense under this
21 subsection, or any federal or out-of-state conviction for an offense
22 that under the laws of this state would be a felony classified as a
23 most serious offense under this subsection.
24 (24) "Nonviolent offense" means an offense which is not a violent
25 offense.
26 (25) "Offender" means a person who has committed a felony
27 established by state law and is eighteen years of age or older or is
28 less than eighteen years of age but whose case has been transferred by
29 the appropriate juvenile court to a criminal court pursuant to RCW
30 13.40.110. Throughout this chapter, the terms "offender" and
31 "defendant" are used interchangeably.
32 (26) "Partial confinement" means confinement for no more than one
33 year in a facility or institution operated or utilized under contract
34 by the state or any other unit of government, or, if home detention or
35 work crew has been ordered by the court, in an approved residence, for
36 a substantial portion of each day with the balance of the day spent in
37 the community. Partial confinement includes work release, home
38 detention, work crew, and a combination of work crew and home detention
39 as defined in this section.

1 (27) "Persistent offender" is an offender who:
2 (a) Has been convicted in this state of any felony considered a
3 most serious offense; and
4 (b) Has, before the commission of the offense under (a) of this
5 subsection, been convicted as an offender on at least two separate
6 occasions, whether in this state or elsewhere, of felonies that under
7 the laws of this state would be considered most serious offenses and
8 would be included in the offender score under RCW 9.94A.360; provided
9 that of the two or more previous convictions, at least one conviction
10 must have occurred before the commission of any of the other most
11 serious offenses for which the offender was previously convicted.

12 (28) "Postrelease supervision" is that portion of an offender's
13 community placement that is not community custody.

14 (29) "Restitution" means the requirement that the offender pay a
15 specific sum of money over a specific period of time to the court as
16 payment of damages. The sum may include both public and private costs.
17 The imposition of a restitution order does not preclude civil redress.

18 (30) "Serious traffic offense" means:
19 (a) Driving while under the influence of intoxicating liquor or any
20 drug (RCW 46.61.502), actual physical control while under the influence
21 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
22 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
23 or
24 (b) Any federal, out-of-state, county, or municipal conviction for
25 an offense that under the laws of this state would be classified as a
26 serious traffic offense under (a) of this subsection.

27 (31) "Serious violent offense" is a subcategory of violent offense
28 and means:
29 (a) Murder in the first degree, homicide by abuse, murder in the
30 second degree, assault in the first degree, kidnapping in the first
31 degree, or rape in the first degree, assault of a child in the first
32 degree, or an attempt, criminal solicitation, or criminal conspiracy to
33 commit one of these felonies; or
34 (b) Any federal or out-of-state conviction for an offense that
35 under the laws of this state would be a felony classified as a serious
36 violent offense under (a) of this subsection.

37 (32) "Sentence range" means the sentencing court's discretionary
38 range in imposing a nonappealable sentence.

39 (33) "Sex offense" means:

1 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
2 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a
3 criminal attempt, criminal solicitation, or criminal conspiracy to
4 commit such crimes;

5 (b) A felony with a finding of sexual motivation under RCW
6 9.94A.127 or 13.40.135; or

7 (c) Any federal or out-of-state conviction for an offense that
8 under the laws of this state would be a felony classified as a sex
9 offense under (a) of this subsection.

10 (34) "Sexual motivation" means that one of the purposes for which
11 the defendant committed the crime was for the purpose of his or her
12 sexual gratification.

13 (35) "Total confinement" means confinement inside the physical
14 boundaries of a facility or institution operated or utilized under
15 contract by the state or any other unit of government for twenty-four
16 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

17 (36) "Transition training" means written and verbal instructions
18 and assistance provided by the department to the offender during the
19 two weeks prior to the offender's successful completion of the work
20 ethic camp program. The transition training shall include instructions
21 in the offender's requirements and obligations during the offender's
22 period of community custody.

23 (37) "Victim" means any person who has sustained emotional,
24 psychological, physical, or financial injury to person or property as
25 a direct result of the crime charged.

26 (38) "Violent offense" means:

27 (a) Any of the following felonies, as now existing or hereafter
28 amended: Any felony defined under any law as a class A felony or an
29 attempt to commit a class A felony, criminal solicitation of or
30 criminal conspiracy to commit a class A felony, manslaughter in the
31 first degree, manslaughter in the second degree, indecent liberties if
32 committed by forcible compulsion, kidnapping in the second degree,
33 arson in the second degree, assault in the second degree, assault of a
34 child in the second degree, extortion in the first degree, robbery in
35 the second degree, vehicular assault, and vehicular homicide, when
36 proximately caused by the driving of any vehicle by any person while
37 under the influence of intoxicating liquor or any drug as defined by
38 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior
2 to July 1, 1976, that is comparable to a felony classified as a violent
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a violent
6 offense under (a) or (b) of this subsection.

7 (39) "Work crew" means a program of partial confinement consisting
8 of civic improvement tasks for the benefit of the community of not less
9 than thirty-five hours per week that complies with RCW 9.94A.135. The
10 civic improvement tasks shall have minimal negative impact on existing
11 private industries or the labor force in the county where the service
12 or labor is performed. The civic improvement tasks shall not affect
13 employment opportunities for people with developmental disabilities
14 contracted through sheltered workshops as defined in RCW 82.04.385.
15 Only those offenders sentenced to a facility operated or utilized under
16 contract by a county or the state are eligible to participate on a work
17 crew. Offenders sentenced for a sex offense as defined in subsection
18 (33) of this section are not eligible for the work crew program.

19 (40) "Work ethic camp" means an alternative incarceration program
20 designed to reduce recidivism and lower the cost of corrections by
21 requiring offenders to complete a comprehensive array of real-world job
22 and vocational experiences, character-building work ethics training,
23 life management skills development, substance abuse rehabilitation,
24 counseling, literacy training, and basic adult education.

25 (41) "Work release" means a program of partial confinement
26 available to offenders who are employed or engaged as a student in a
27 regular course of study at school. Participation in work release shall
28 be conditioned upon the offender attending work or school at regularly
29 defined hours and abiding by the rules of the work release facility.

30 (42) "Home detention" means a program of partial confinement
31 available to offenders wherein the offender is confined in a private
32 residence subject to electronic surveillance.

33 **Sec. 2.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are
34 each reenacted and amended to read as follows:

35 The offender score is measured on the horizontal axis of the
36 sentencing grid. The offender score rules are as follows:

37 The offender score is the sum of points accrued under this section
38 rounded down to the nearest whole number.

1 (1) A prior conviction is a conviction which exists before the date
2 of sentencing for the offense for which the offender score is being
3 computed. Convictions entered or sentenced on the same date as the
4 conviction for which the offender score is being computed shall be
5 deemed "other current offenses" within the meaning of RCW 9.94A.400.

6 (2) (~~Except as provided in subsection (4) of this section,~~) Class
7 A and sex prior felony convictions shall always be included in the
8 offender score. Class B prior felony convictions other than sex
9 offenses shall not be included in the offender score, if since the last
10 date of release from confinement (including full-time residential
11 treatment) pursuant to a felony conviction, if any, or entry of
12 judgment and sentence, the offender had spent ten consecutive years in
13 the community without committing any crime that subsequently results in
14 a conviction. Class C prior felony convictions other than sex offenses
15 shall not be included in the offender score if, since the last date of
16 release from confinement (including full-time residential treatment)
17 pursuant to a felony conviction, if any, or entry of judgment and
18 sentence, the offender had spent five consecutive years in the
19 community without committing any crime that subsequently results in a
20 conviction. Serious traffic convictions shall not be included in the
21 offender score if, since the last date of release from confinement
22 (including full-time residential treatment) pursuant to a felony
23 conviction, if any, or entry of judgment and sentence, the offender
24 spent five years in the community without committing any crime that
25 subsequently results in a conviction. This subsection applies to both
26 adult and juvenile prior convictions.

27 (3) Out-of-state convictions for offenses shall be classified
28 according to the comparable offense definitions and sentences provided
29 by Washington law. Federal convictions for offenses shall be
30 classified according to the comparable offense definitions and
31 sentences provided by Washington law. If there is no clearly
32 comparable offense under Washington law or the offense is one that is
33 usually considered subject to exclusive federal jurisdiction, the
34 offense shall be scored as a class C felony equivalent if it was a
35 felony under the relevant federal statute.

36 (4) (~~Always include juvenile convictions for sex offenses and
37 serious violent offenses. Include other class A juvenile felonies only
38 if the offender was 15 or older at the time the juvenile offense was
39 committed. Include other class B and C juvenile felony convictions~~)

1 only if the offender was 15 or older at the time the juvenile offense
2 was committed and the offender was less than 23 at the time the offense
3 for which he or she is being sentenced was committed.

4 ~~(5))~~ Score prior convictions for felony anticipatory offenses
5 (attempts, criminal solicitations, and criminal conspiracies) the same
6 as if they were convictions for completed offenses.

7 ~~((6))~~ (5)(a) In the case of multiple prior convictions, for the
8 purpose of computing the offender score, count all convictions
9 separately, except:

10 (i) Prior ~~((adult))~~ offenses which were found, under RCW
11 9.94A.400(1)(a), to encompass the same criminal conduct, shall be
12 counted as one offense, the offense that yields the highest offender
13 score. The current sentencing court shall determine with respect to
14 other prior ~~((adult))~~ offenses for which sentences were served
15 concurrently whether those offenses shall be counted as one offense or
16 as separate offenses using the "same criminal conduct" analysis found
17 in RCW 9.94A.400(1)(a), and if the court finds that they shall be
18 counted as one offense, then the offense that yields the highest
19 offender score shall be used. The current sentencing court may presume
20 that such other prior adult offenses were not the same criminal conduct
21 from sentences imposed on separate dates, or in separate counties or
22 jurisdictions, or in separate complaints, indictments, or informations;
23 and

24 (ii) ~~((Juvenile prior convictions entered or sentenced on the same
25 date shall count as one offense, the offense that yields the highest
26 offender score, except for juvenile prior convictions for violent
27 offenses with separate victims, which shall count as separate offenses;
28 and~~

29 ~~((iii))~~ In the case of multiple prior convictions for offenses
30 committed before July 1, 1986, for the purpose of computing the
31 offender score, count all ~~((adult))~~ convictions served concurrently as
32 one offense~~((, and count all juvenile convictions entered on the same
33 date as one offense))~~. Use the conviction for the offense that yields
34 the highest offender score.

35 (b) As used in this subsection ~~((6))~~ (5), "served concurrently"
36 means that: (i) The latter sentence was imposed with specific
37 reference to the former; (ii) the concurrent relationship of the
38 sentences was judicially imposed; and (iii) the concurrent timing of

1 the sentences was not the result of a probation or parole revocation on
2 the former offense.

3 ~~((+7))~~ (6) If the present conviction is one of the anticipatory
4 offenses of criminal attempt, solicitation, or conspiracy, count each
5 prior conviction as if the present conviction were for a completed
6 offense.

7 ~~((+8))~~ (7) If the present conviction is for a nonviolent offense
8 and not covered by subsection (11) or (12) ~~((or +13))~~ of this section,
9 count one point for each ~~((adult))~~ prior felony conviction ~~((and one~~
10 ~~point for each juvenile prior violent felony conviction and 1/2 point~~
11 ~~for each juvenile prior nonviolent felony conviction))~~.

12 ~~((+9))~~ (8) If the present conviction is for a violent offense and
13 not covered in subsection (9), (10), (11), or (12) ~~((, or +13))~~ of this
14 section, count two points for each prior ~~((adult and juvenile))~~ violent
15 felony conviction ~~((,))~~ and one point for each prior ~~((adult))~~
16 nonviolent felony conviction ~~((, and 1/2 point for each prior juvenile~~
17 ~~nonviolent felony conviction))~~.

18 ~~((+10))~~ (9) If the present conviction is for Murder 1 or 2,
19 Assault 1, Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or
20 Rape 1, count three points for prior ~~((adult and juvenile))~~ convictions
21 for crimes in these categories, two points for each prior ~~((adult and~~
22 ~~juvenile))~~ violent conviction (not already counted), and one point for
23 each prior ~~((adult))~~ nonviolent felony conviction ~~((, and 1/2 point for~~
24 ~~each prior juvenile nonviolent felony conviction))~~.

25 ~~((+11))~~ (10) If the present conviction is for Burglary 1, count
26 prior convictions as in subsection ~~((+9))~~ (8) of this section; however
27 count two points for each prior ~~((adult))~~ Burglary 2 or residential
28 burglary conviction ~~((, and one point for each prior juvenile Burglary~~
29 ~~2 or residential burglary conviction))~~.

30 ~~((+12))~~ (11) If the present conviction is for a felony traffic
31 offense count two points for each ~~((adult or juvenile))~~ prior
32 conviction for Vehicular Homicide or Vehicular Assault; for each felony
33 offense or serious traffic offense, count one point for each adult and
34 1/2 point for each juvenile prior conviction.

35 ~~((+13))~~ (12) If the present conviction is for a drug offense count
36 three points for each ~~((adult))~~ prior felony drug offense conviction
37 ~~((and two points for each juvenile drug offense))~~. All other ~~((adult~~
38 ~~and juvenile))~~ felonies are scored as in subsection ~~((+9))~~ (8) of this

1 section if the current drug offense is violent, or as in subsection
2 ~~((+8))~~ (7) of this section if the current drug offense is nonviolent.

3 ~~((+14))~~ (13) If the present conviction is for Willful Failure to
4 Return from Furlough, RCW 72.66.060, Willful Failure to Return from
5 Work Release, RCW 72.65.070, or Escape from Community Custody, RCW
6 72.09.310, count only prior escape convictions in the offender score.
7 Count ~~((adult))~~ prior escape convictions as one point ~~((and juvenile
8 prior escape convictions as 1/2 point))~~.

9 ~~((+15))~~ (14) If the present conviction is for Escape 1, RCW
10 9A.76.110, or Escape 2, RCW 9A.76.120, count ~~((adult))~~ prior
11 convictions as one point ~~((and juvenile prior convictions as 1/2
12 point))~~.

13 ~~((+16))~~ (15) If the present conviction is for Burglary 2 or
14 residential burglary, count priors as in subsection ~~((+8))~~ (7) of this
15 section; however, count two points for each ~~((adult and juvenile))~~
16 prior Burglary 1 conviction~~((,))~~ and two points for each ~~((adult))~~
17 prior Burglary 2 or residential burglary conviction~~((, and one point
18 for each juvenile prior Burglary 2 or residential burglary
19 conviction))~~.

20 ~~((+17))~~ (16) If the present conviction is for a sex offense, count
21 priors as in subsections ~~((+8))~~ (7) through ~~((+16))~~ (15) of this
22 section; however count three points for each ~~((adult and juvenile))~~
23 prior sex offense conviction.

24 ~~((+18))~~ (17) If the present conviction is for an offense committed
25 while the offender was under community placement, add one point.

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